

REMARKS

Applicant submits the following remarks in response to the Office Action mailed June 12, 2008. Applicant thanks the Examiner for considering Applicant's prior response arguing that US Patent No. 6,509,865 to Takai (hereinafter "Takai") does not anticipate the pending claims. In the current Office Action, pending claims 1-7 are no longer rejected as anticipated by Takai. However, the Examiner now rejects pending claims 1-7 as obvious over Takai in view of Obayashi (U.S. 7,062,273). Applicant submits that Obayashi fails to cure the acknowledged deficiencies in Takai. Accordingly, pending claims 1-7 are allowable over the prior art.

In Applicant's prior response, which is incorporated herein in its entirety, Applicant explained that Takai discloses an adaptive antenna that is associated with the base station, not the wireless communication apparatus as required by claim 1. The Examiner has conceded this point. In the current Office Action, the Examiner affirms that "Takai does not teach the wireless communication apparatus that communicates wirelessly with a base station." The Examiner further affirms that the pending claims are directed to a mobile wireless communication apparatus that **communicates wirelessly** with a base station. However, the Examiner, contrary to those affirmed points, also maintains that Takai discloses "a wireless communication apparatus having a receiving portion for [wirelessly] receiving a control signal, to control directivity of said adaptive antenna, transmitted from the base station." See Office Action at 2. The Examiner also asserts, contrary to those points, that Takai discloses a control portion for controlling the directivity of said adaptive antenna to be a been steering or a null steering **based on the control signal [received from the base station]**. See Id.

It is clear, as the Examiner admits, that Takai discloses a wireless apparatus having an adaptive antenna within the base station. As such, Takai fails to disclose a mobile wireless communication apparatus that is configured to control the adaptive antenna based on the control signal that is transmitted from the base station as required by claim 1. Thus, Takai fails to disclose or suggest “a control portion for controlling the directivity of said adaptive antenna to be a beam steering or null steering based on the control signal [that is transmitted from the base station]” as recited in claim 1.

While the Examiner also relies on Obayashi in rejecting claim 1, the Examiner does not rely on Obayashi for the missing elements noted above. Rather, the Examiner asserts that "Obayashi teaches the wireless communication apparatus as a mobile wireless communication apparatus that communicates wirelessly with a base station." Office Action at 3. Even assuming that to be the case, the Examiner's reliance on Obayashi does not address the underlying defect in Takai, namely, the failure to disclose (i) a receiving portion for wirelessly receiving a control signal, to control directivity of said adaptive antenna, **transmitted from said base station**; and (ii) a control portion for controlling the directivity of said adaptive antenna to be a beam steering or a null steering **based on the control signal**. Obayashi is inadequate in this regard. In Obayashi, the adaptive antenna is controlled based on information that is stored within the mobile wireless communication apparatus not based on the control signal that is transmitted from the base station. Thus, Obayashi also fails to disclose the recitation “a control portion for controlling the directivity of said adaptive antenna to be a beam steering or null steering based on the control signal” of claim 1.

Moreover, in Obayashi, the directivity of the adaptive antenna is calculated **in** the mobile wireless communication apparatus. In the apparatus of claim 1, the base station controls

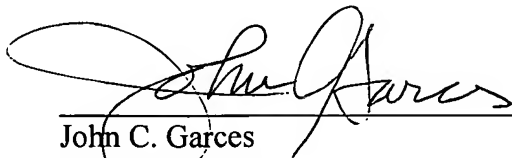
and manages the mobile wireless communication apparatus. The apparatus of claim 1 provides a significant advantage over the apparatus in Obayashi in that in the apparatus of claim 1 the base station is responsible for handling the load distribution. This is not the case in Obayashi where the adaptive antenna is controlled within the apparatus.

For the foregoing reasons, claim 1 is not rendered obvious over the combination of Takai and Obayashi. Claims 2-7, which depend from claim 1, are not rendered obvious over the combination of Takai and Obayashi for the same reasons that claim 1 is not rendered obvious.

For at least the reasons, Applicant respectfully submits that this patent application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0077.

Respectfully submitted,

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